IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.48 OF 2005

IN

CIVIL APPLICATION NO.134 OF 2003

IN

CIVIL REVISION APPLICATION NO.1794 OF 2001

Dr.Vivek Dattatray Purohit ..Applicant.

Vs.

Smt.Uma Vivek Purohit ..Respondent.

...

Mr.P.K.Dhakephalkar for the Applicant.

Mr.R.S.Apte, i/b Mr.M.V.Limye for the Respondent.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

16th September, 2005.

P.C. :

1. Clause 10 of the Consent Terms that were arrived at between the parties provides thus :

> "It is further agreed between the parties that if there is any dispute between the

parties with respect to implementation or interpretation of any of these two consent terms, the parties shall be at liberty to make appropriate application before the Family Court at Pune and the Family Court, Pune shall have the jurisdiction to decide on the same."

In view of the aforesaid agreement that has been arrived at between the parties and particularly having regard to the nature of the allegations contained in the Civil Application, I am of the view that it is only appropriate and proper that the Family Court at Pune deals with the circumstances set out in the application which has been made before this Court. In the circumstances, this application is disposed of leaving it open to the Applicant to adopt appropriate proceedings before the Family Court. It is needless to add that should an application be moved before the Family Court, that Court would deal with the application on its own merits and pass appropriate orders having regard to the settled principle that the welfare and interest of the child are of paramount importance to the Court. In the event thatn an application is filed before the Family

Court, the Family Court shall endeavour to deal with the application expeditiously.